App F IX 4

1946 47
(mul)

File No 23 - 46

Serial Nos 8

Previous References
Mul 22-45 (64-69)

Later References
mul 23/47 (27-29)
Cps 749 (54-56)

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Sept

SUBJECT

Requisition of municipal building no 190 to 193 — Sriniva mandram Road Balepet Bangalore city

Govt. no d 3458 — 9, 11. 9. 46
to mh Jt Gopalakrishna
Genl — merchant-
Robertson pet Kgf

State that he requests to direct the Municipal Council to withdraw and the — Cannot be complied with

to

243
L

Petition from Sri T. Gopalakrishnan, General Merchant and Contractor, Robertsonpet- I.c.g. 7. protesting against the acquisition of his properties Nos 190 to 193, Srinivasa Mudaliar Road, Balepet, Bangalore by the Bangalore City Municipal Council.

Minister's Minute

1) Stay order may be given and all the connected records called for —

Asstt I.C.H.R.
8-7-46

Revenue)

2) Submitted with a draft letter accordingly

3) Asstt Commissioner's Minute

4) Deputy Secretary's Minute

9/7

9/7

TYPING SECTION
9 JULY 1946
GEN & REV SECTT

To The Hon'ble
L 523 d 9-7-46
Issues stay orders & calls for records
To. The G.T. Gopalakrishna.
L 524 d 9-7-46
Endorses accordingly.

809
L 5243

From the Municipal Commr Bangalore city
L1 c 330/45-46, dated 23-7-46

Fds the acquisition file, together with the objection petitions regarding acquisition of property nos 190 and to 193, Srinivasa Mandiram Road Balepet, Bangalore city

5) The Bangalore city Municipal Council at its meeting dated 8-8-1945 approved of the acquisition of certain properties round about the Majestic circle, for improving the area in Balepet, at an estimated cost of Rs 46,560/

6) Accordingly draft preliminary notifications for the acquisition of certain properties in Srinivasa Mandiram Road, Balepet were published in the Gazette and objections

Serial No

to the proposed acquisition were called for under Section 5 A of the Land Acquisition Act (G.O. No R 11281 dt 30-4-46.)

Flag 'P'

It is seen from the file that most of the parties have filed objections against the proposed acquisition

a) Mr G T Gopala Krishnan, Owner of buildings bearing Municipal numbers 190 to 193, in the Srinivasa Raichuram Road, Bangalore, ~~stating that~~ has filed an appeal petition to ~~the~~ the Court stating that the improvements to the area around a temple is not a public purpose as ~~it~~ contemplated under Section 4 of the L A Act

b) A plan showing the details of properties proposed to be acquired for improving the area around ~~the~~ Navaneetha Swamy temple, Balepet, is put up. The details of properties to be acquired are noted in red ink, on the plan

Flag R

c) Mr G T Gopalakrishna has raised the following objections against the proposed acquisition of his properties :-

1) the acquisition of buildings and other properties for purpose of improvement around a temple is not a public purpose as contemplated

NOTE—Contn Sheet

in Section 4 of the L A Act

2) That his property is situated at a very great distance from the temple, and that it is not necessary to acquire it

3) That the dargah situated between his property and the temple remains unacquired and undisturbed

4) That the Municipal authorities intend constructing some shops in the same place where some properties are proposed to be acquired and that this is a speculative object on the part of the Municipality

11) Re objection no. I above, it may be stated that in a similar case it was held that the acquisition of property for improvements around a temple cannot be construed as a bonafide public purpose (vide collection 11 22-45-102)

Flag 2'

12) The question of remodelling the old city of Bangalore so as to remove congestion is under examination in the City Improvement Trust Board but it is not known whether the present proposal would

Serial No

(Gilt m - with the Schemes prepared by the Trust Board in this Connection.

13) The petitioner has requested for Site inspection by the Minister for Education and Public Health

P W D

14) Refer para 1 Supra

The P.W.D

15) The report was called for as per orders of the Minister for Education on the petition of Mr. J. D. Jayalekshmi objecting to the acquisition of his property in Kalupet for the improvement of the area round about the Kanniamman Temple. This has been received, along with the records and is dated 3/8/47

16) From the records it is seen that only preliminary notices have been published under Sections 4 (1) of the L.A. Act in April 1946. Almost all the persons concerned have objected to the acquisition of the properties notified in the Gazette. The final declaration & Statements have not yet been sent to the Govt by the Pdl Court. Neither have the Pdl Ct considered the objections put forward by the owners of the land.

NOTE—Contn Sheet

17) Before taking any decision

807

File No | of 194 | General and Revenue Secretariat

Serial No

request of Mr J V Seshakrishna, (and of others incidentally), it is necessary to obtain the opinion of the Govt on the objections preferred. This for orders if this may be done in the first instance

1381/518

18) The opinion of the Municipality Improvement Trust Board may also be obtained before taking further action.

19) The petitioner has also requested that inspection by the Minister for Local Affairs for orders and reject to part I supra

Received on 7/8/46

20) When is the Council taking up the question of objections? Whether the date of Publication

Sd/-
7/8/46

21) The period of 30 days prescribed for preferring objections to the proposed acquisition, in the preliminary notification dated 30-4-46 has already expired

22) The objection petitions will

Serial No

1633/1314

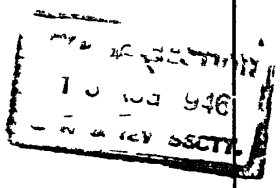
be returned to the Municipal Town Council forwarding the opinion of the Municipal Council thereon

23) A draft letter is put up for orders

24) Repeat para 20 supra

25) Signed

26) Typewriting



To The Municipal Town Bacalore city

L 2409, dated 14-8-46

Calls for the opinion of the city Municipal Council on the several objection petitions against acquisition of properties for improving the area around the Majestic Circle Balchet to line

27) Resubmitted with reference to para 26 supra

1782/1314

28) The party request that the Minister may be pleased to direct the Collector to hear the objections before final

NOTE—Contn Sheet

Serial No

orders are passed

Minister for Ed & Pol) Dow
15/8/46

OFFICE OF THE MINISTER FOR EDUCATION & P R
Date 15 8 46
No 1242

29) I shall inspect the spot on Thursday the 29th inst at 8.30 A M and also a few other places. Please inform the Mnl Comms

JLB
25/8/46

30) Sgt Letter attnce
Lan
28/8/46

31) A draft D-o is put up

32) Attnce
28/8/46

Lr
28/8

To The Municipal Comr
D-o Nr L 24 24 d 26-8-46
Submitted accordingly

33) The file will be sent to the Ministers office

34) I inspected the place this morning and submitted a report to the Minister for Edn & Pol) Lan 29/8/46

OFFICE OF THE MINISTER FOR EDUCATION & P R
Date 31 8 46
No 15-94

26/8 35) Stay orders may be vacated
No reasons to interfere JLB
29/8/46

36) Sgt replied Lan 31/8/46

807

37) Submit with a draft endorsement

[illegible]

[illegible]

[illegible]

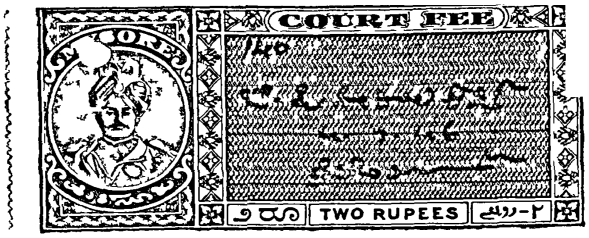
[illegible]

[illegible]

TRANS SECTION
3 SEP 1946
LEGAL REV SECTION

[illegible]

[illegible]



53

The ~~Revenue~~ Minister, for education & public health
Government of His Highness The Maharaja Of Mysore,
Bangalore

Ml. 23-46-8

Respected Sir,

Municipal Building Nos 190 to 193
Srinivasa Mandiram Road, Balepet.
Bangalore City.

I understand that the buildings and premises mentioned against my name in the Notification No L 11981 -ML 22-45-69 dated 30th April 1946 published in the Mysore Gazette dated 23rd May 1946 page 292, are proposed to be acquired under Section 4 of the Land Acquisition Act 1894 for improving the area around Sree Narasimha-swamy temple, Balepet, II Division, Bangalore City.

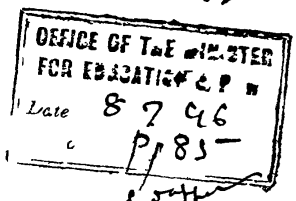
I beg to submit that the proposed acquisition is definitely not for a public purpose The improvements to the area around a temple is not a public purpose. By the proposed acquisition a number of people in that division including myself will become utterly houseless while the benefits to the public at large by acquiring all the buildings and improving the area around the temple are comparatively very poor and not proportionate to the inconveniance and loss caused to a number of persons in that area The improvement around the temple is not for such a public purpose as contemplated in Section 4 of the Land Acquisition Act 1894 No doubt the municipal authorities have obtained permission of the Government to proceed with the acquisition proceedings, but I beg to submit that they must have done so by not disclosing all the material facts and relevant points Stating particularly about my property mentioned above, I beg

Stay orders
may be given
and all
the connected
records called
for

8/7/46

Rev Secy

8/7



8/7

I beg to submit, that, this property is situated at a very great distance from the temple premises and certainly not necessary to be acquired at all for the purpose for which it is published to be acquired It is seen that a darga situated between my property and the temple is to be left unacquired and undisturbed, while my property which is very much farther away than the darga is sought to be acquired and it is clear from this, that, my property is not absolutely necessary to be acquired for the improvement of the area and can be left undisturbed as in the case of the darga. It is seen from the plan kept at the Municipal Commissioner's office that after acquiring some properties, the municipal authorities propose to construct some shops in the same place where some properties now sought to be acquired exist Surely this is a speculative object on the part of the municipal authorities who wants to make money in the name of public purpose by taking unfair advantage of the Land Acquisition Act 1894. I request your goodself to kindly inspect the spot, examine the locality and then decide the matter finally I request your goodself to kindly pass orders directing the Municipal Authorities to stay ~~with~~ their acquisition proceedings till the Government passes final orders in the matter after reviewing the question.

Thanking you,

I beg to remain,
Respected Sir,
Your most obedient servant,

J T Gopalakrishnan

Robertsonpet,K G F
5th July, 1946

From

J T Gopalakrishnan,
General Merchant and Contractor,
Robertsonpet,K G F

Bangalore City Municipality

No L1.C 330/45-46
Encl file with Pherist
FROM

MUNICIPAL OFFICES
Bangalore July 25, 1946

L 523/E1 Immediate
To 8977 Ab.
The Municipal Town
Bangalore City

Subj - Acquisition of property
No 190 to 193, Srinivasa Mandiram Road, Basapet Bangalore City

Sir,

I am directed to forward herewith a ~~copy of petition~~ (in original) dated 5-7-46, received from Mr J T Gopala Krishnan, General Merchant and Contractor, Robertsonpet, K-47

TS
pl T46

protesting against the acquisition
of the above properties and to state
that ~~further~~ acquisition proceedings ~~may~~
in this behalf may be ~~stopped~~ stayed and
~~a detailed report together with~~
of the connected records ~~may be~~ submitted
to Govt very early, ~~for further orders~~

~~Appl~~ L.C. 24 & 97 ~~U.C.~~ I have the
Environment Secretary, Land Revenue
& Co-operation, Industries and
Power, Revenue Dept & Agriculture.

9/7/46
Dy Secretary

Reply to his letter dated 5/7/46
regarding grant of order in Civil Writ
Petn of the persons against whom
proceedings under Sec 7 of the Bihar
and Orissa Requisitioning and
Acquisition of Immovable Property Act
1947 have been started and
that necessary orders
steps have been taken

Bangalore City Municipality

No L1 C.330/45-46
Encl file with Pherist

MUNICIPAL OFFICES
Bangalore July 25, 1946

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

J B MALLARADHYA, Esq , M A ,
Secretary to Government,
Revenue Department, Bangalore

SIR

Subject - Acquisition of property Nos 190 to 193, Srinivasamandiram Road, Balepet, Bangalore City.

With reference to your letter No L 526 dated 9th July 1946, on the above subject, I have the honor to state that the Municipal Council at their meeting held on 8-8-1945 have sanctioned the acquisition of certain properties for improving the area to the West of the Majestic Circle in Balepet, Bangalore City at an estimated cost of Rs 46,560/-

Accordingly the Draft Preliminary Notifications were got prepared and submitted to Government for publication The Notifications under Section 4 & 5A of the Land Acquisition Act, have been published in the Gazette dated 26-5-46 in No L 11981 Ml.22-45-69 dated 30th April 1946 and objections have been called for

The property Nos 190 to 193 belonging to the applicant Mr G T Gopalakrishna, a General Merchant of K G F comes under the proposed acquisition of properties for the said purpose The applicant as well as several other owners of the properties have filed objection petitions against the proposed acquisition All the objection petitions received in this case, are enclosed in the file

As desired, the connected entire acquisition file is also herewith sent for favour of kind reference and return

I have the honor to be,
S i r,
Your most obedient servant,

Municipal Commissioner.

Bsk

L2409/R

To

8/14 8 46.

The Municipal Commr

Bangalore city

Subj:- Acquisition of certain properties for improving the area round about the Majestic Circle, Balepet 1st Division, Bangalore city

Sir,

With reference to your letter no L1 C-330/45-46, dated 6-4-46 on the above subject I am directed to request that the opinion of the City Municipal Council on the several objections preferred in this connection

may be forwarded to you very early

by Thursday at 12 noon

The connected records are herewith returned.

Thanks.

JSW 13/8

for Revenue Legal

Immediate

L2924 & 26 8 46
Muddanur
Dt 1 p.m.

Subj - Acquisition of certain properties for improving the area round about the Magestic circle Bangalore II Dn Bldrs

Dear Sir,

In continuation of this office letter No. L 2409, dated 14-8-46, I am desired to inform you that the Minister for Education and Public Health intends inspecting the site in question and also a few other places on at 8.30 A.M. on Thursday the 29th August 1946

Yours Sincerely
for
Secretary

Sri Dharmakartha, GA
(Municipal Town Hall)

~~364-8~~/ML - 23-46-8
8 11-9 46
Endorsement received to Mr g T

Gopala Krishna General Merchant and
Contractor Robertsonpet, 1C-97 Sanction
Board

In Continuation of this Office
Endorsement No LS-24, dated 9-7-46, Mr g T
Gopalakrishna is informed that his request that
direct the Municipality to
the ~~to~~ withdraw forum accusation ~~by the city Municipality~~ this properly Nos, of
190 to 193, Srinivasa mandiram Road, Balepet,
Bangalore city, cannot be complied with, as
Govt see no reasons to interfere in the
matter ~~The stay orders issued in this~~
~~behalf are accordingly vacated~~

13-0

Mem No 1359 dt 11 9 46 for Revenue
Copy sent to the Municipal Comm

Bacolod City for information in reference
to this office letter no. 2424 dated 26-8-46 for
further action. The stay order issued
in the case are hereby vacated. P-0

Jan Nieves